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**Switzerland
and
India**

Technical Arrangement between the Federal Department of Justice and Police of Switzerland and the Ministry of External Affairs of India on the identification and return of Swiss and Indian nationals (with annexes). New Delhi, 6 October 2016

Entry into force: 6 October 2016 by signature, in accordance with article 6

Authentic texts: English, German and Hindi

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**Suisse
et
Inde**

Arrangement technique entre le Département fédéral de justice et police de la suisse et le Ministère des affaires extérieures de l'Inde sur l'identification et le retour des ressortissants indiens et suisses (avec annexes). New Delhi, 6 octobre 2016

Entrée en vigueur : 6 octobre 2016 par signature, conformément à l'article 6

Textes authentiques : anglais, allemand et hindi

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TECHNICAL ARRANGEMENT

BETWEEN

**THE FEDERAL DEPARTMENT OF JUSTICE AND POLICE OF
SWITZERLAND**

AND

THE MINISTRY OF EXTERNAL AFFAIRS OF INDIA

**ON THE IDENTIFICATION AND RETURN OF SWISS AND INDIAN
NATIONALS**

In order to strengthen the bilateral co-operation against irregular migration and with a view to safeguarding the existing identification procedures, the Federal Department of Justice and Police of Switzerland (hereafter referred to as "the Swiss side") and the Ministry of External Affairs of India (hereafter referred to as "the Indian side"), have agreed as follows:

Article 1

Scope of Application

This Arrangement shall facilitate the procedures regarding the identification, issuance of travel documents and orderly return of nationals of both countries with irregular stay in the other country.

Article 2

Competent authorities

The authorities competent for the implementation of this Arrangement are the State Secretariat for Migration of the Federal Department of Justice and Police of Switzerland and the Consular, Passport and Visa Division of the Ministry of External Affairs of India.

Each authority shall designate a focal point to ensure that they establish and maintain direct contact with each other with a view to coordinating the identification process.

The details of the competent authorities and the focal points are listed in Annex 1. Changes concerning the details of the competent authorities or focal points shall be immediately notified to the other side by e-mail.

Article 3

Operational Modalities

For the implementation of this Arrangement, the following operational modalities shall be applied:

For alleged Indian nationals:

- the Swiss side shall submit by mail the "proforma for verification of nationality" (Annex 2) with the relevant enclosed documents to the Embassy of India in Berne.
- on the basis of the documents provided by the Swiss side, the focal point on the Indian side shall undertake all necessary steps to verify the identity of the person concerned according to national procedures and competencies.
- the Swiss side shall, upon request by the Indian side, organise an interview with the person concerned. The "proforma for verification of nationality" (Annex 2) may be completed if necessary during this interview.

- upon request by the Swiss side, the status of the pending cases shall be updated on a regular basis between the focal points. The focal points shall be authorised to exchange information on interim results concerning pending cases. The form to be used is the “follow-up sheet on the verification results (pending cases)” (Annex 3).
- the Embassy of India in Berne or the Consulate General of India in Geneva shall issue a travel document as soon as the identity of the Indian national to be returned is confirmed or established following verification by the Indian authorities concerned.

For alleged Swiss nationals:

- the Indian side shall submit by mail an identification request with a photo and any supporting documents deemed useful to the Embassy of Switzerland in New Delhi.
- the Embassy of Switzerland in New Delhi or the Consulate General of Switzerland in Mumbai shall issue a travel document as soon as the identity of the Swiss national to be returned is confirmed or established following verification by the Swiss authorities concerned.

Article 4

Data Protection

Personal data may only be used by the competent authorities in charge of the execution of this Agreement and for the sole purpose intended in this Arrangement. At his or her request, any person concerned shall be informed by the competent authority about all data relating to himself or herself as well as about its intended use. The disclosure of personal data to third parties is prohibited without the consent of the competent authority providing the information. The national legislation on data protection of each side shall remain applicable to the processing of personal data and the rights of the data subjects.

Article 5

Co-operation on implementation

The competent authorities shall support and consult each other in applying this Arrangement. Any difficulties arising out of the interpretation, application or implementation of this Arrangement shall be settled through mutual consultations and exchange of views, orally or in writing, between the competent authorities. Experts of the competent authorities shall meet once a year in New Delhi or Bern to discuss the implementation of this Arrangement.

Article 6

Final provisions

This Arrangement shall enter into force on the date of its signature, for a period of five years. This Arrangement may be renewed not later than six months prior to its expiration, for another period of five years, by mutual written consent of both sides.

This Arrangement may be amended by mutual written consent of both sides.

Notwithstanding paragraph 1, either side may terminate this Arrangement at any time by written notification with a six months' advance notice.

Signed in New Delhi on 6.10.2016 in two originals in the German, English and Hindi languages, all texts being equally authentic. In case of any divergence in interpretation, the English text shall prevail.


For the
Federal Department of Justice
and Police of Switzerland


For the
Ministry of External Affairs
of India